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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,685	05/30/2001	Takao Miyazaki	3562-0115P	6040
2292	7590	08/26/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			YE, LIN	
PO BOX 747			ART UNIT	
FALLS CHURCH, VA 22040-0747			PAPER NUMBER	

2615

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,685

Applicant(s)

MIYAZAKI, TAKAO

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3-5 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley U.S. Patent 6,317,141 in view of Hasegawa et al. U.S. Patent 6,084,169.

Referring to claim 1, the Pavley reference discloses in Figures 1, 4, and 11-21, a digital camera (100, see Col. 2, lines 65-67), comprising: an image playback module; and audio playback module (e.g., the slide show is played back on display screen 140 for multimedia presentation; the multimedia object in the slide show includes image, video, audio. See Figure 3, Col. 7, lines 18-21 and Col. 8, lines 50-64), wherein a plurality of images are played back accompanied by audio (See Col. 16, lines 1-10), an image playback time for said plurality of images (images clips) substantially coincides with a audio playback time for said audio, and said image playback time (duration of the media object played included in a meta data file 360, see Figure 9A-9B, and Col. 11, lines 37-40) is defined based on a number of said images and a playback time for each of said images (media objects), when sequentially playing back said plurality of images as a slide show. However, the Pavley reference does not explicitly shows the audio is music or just simply voice.

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The Hasegawa reference discloses in Figures 2 and 14, an automatically music composing system including cameras (video camera 1401, digital camera 1403 as the image input device 201, see Col. 8, lines 19-25) for entering moving images or still images; and the background music is automatically composed using the parameter and scene reproduction time, and the composed background music is output along with the moving or changing image (See Col. 1, lines 62-67 and Col. 2, lines 1-5 and 59-67). The Hasegawa reference is evidence that one of ordinary skill in the art at the time to see more advantages for digital camera system having more flexible option to generate a multimedia presentation slide show that can output any type of audio such music or voice together with the moving or changing images. For that reason, it would have been obvious to see the digital camera has a music playback module for play back music accompanied by images by Pavley.

Referring to claim 2, the Pavley reference discloses an image setting section for selecting said images; and a music (e.g. as discussed in claim 1, thereafter the audio clip referred as music) setting section for selecting said music (four-way navigation button 200 for selecting the media objects such as images, audio clips, see Figure 4 and Col. 7, lines 50-65), wherein an image playback time is adjusted to make said image playback time and said music playback time substantially coincide (the media object to be played for the duration of the associated audio, see Col 15, lines 65-67 and Col. 16, lines 1-10), based on said number of said images and said music playback time of said music (audio is inherently a time-based media).

Referring to claim 3, the Pavley reference discloses an image playback time-setting section (the editing screens for images and video as shown in Figure 12-17) for setting said

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playback time of each of said images in to a meta data File (360, in Figure 9A); and a music setting section (four-way navigation button 200 for selecting the media objects such as images, audio clips, see Figure 4 and Col. 7, lines 50-65) for selecting said music, wherein said number of said images is adjusted to make said image playback time and said music playback time substantially coincide, based on said playback time of each of said images and said music playback time of said music (see Col 15, lines 65-67 and Col. 16, lines 1-10 and the comments in claim 2).

Referring to claim 4, the Pavley reference discloses an image setting section for setting said number of said images (media objects); and an image playback time-setting section for setting said playback time (duration of play) of each of said images (as a slide show file in Figure 9A-9B), wherein said music, which is adjusted (in Figure 18, the audio editing screen 450 can adjust the audio playback time associated with the media object to be played, See Col. 14, lines 45-52) so that said image playback time and said music playback time substantially coincide, is edited, based on said number of said images and said playback time of each of said images.

Referring to claim 5, the Pavley reference discloses an adjustment section for adjusting said image playback time to substantially coincide with said music playback time, when said image playback time and said music playback time are not substantially the same (As shown in Figures 12-18, the camera has images, video and audio editing screen is capable for adjusting duration of play time and selecting those media type data. After it completes editing and saves to as slide show data file. So all media data including the images and audio

can be played coincide as a multimedia presentation see Col. 12, lines 8-10 and Col. 11, lines 29-56).

Referring to claim 6, the Pavley reference discloses wherein: said adjustment section includes an image playback time-adjusting section (See properties screen 480 in Figure 21 and video editing screen in Figures 15-17) for adjusting said image playback time; said image playback time-adjusting section includes: an image number-adjusting section for setting said number of said images (selecting the still images and adding to the play list as shown in Figure 9A-9B, see Col. 12, lines 10-13); and an image time-adjusting section for setting said playback time of each of said images, wherein said image playback time-adjusting section adjusts said image playback time to substantially coincide with said music playback time, based on said image number-adjusting section and said image time-adjusting section (See the comments on claim 2).

Referring to claim 7, the Pavley reference discloses all subject matter as discussed in respected claim 4.

Referring to claim 8, the Pavley reference discloses a playback time setting section for setting a time defined by a user as playback time of said images; an image playback time-adjusting section for adjusting said image playback time to substantially coincide with said playback time defined by the user; and a music playback time-adjusting section for adjusting said music playback time to substantially coincide with said playback time defined by the user (e.g., the user can manually using the navigation control during slide show to setting the play back duration time for both image and audio data, see Col. 16, lines 1-10; the variety of

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functions provided by the editing screens enable the user to edit the audio , video and image media types all which a digital video camera, see Col. 16, lines 41-43).

Referring to claim 9, the Pavley reference discloses wherein an image file is created having said music playback time and said image playback time that substantially coincide (See Col. 12, lines 12).

Referring to claim 10, the Pavley reference discloses a movie playback module, wherein movies are played back having movie (video) playback time that substantially coincides with said music playback time of said music, said music being separate from said movies (as stand-alone audio clip file) and played back to accompany said movies (See Col. 12, lines 6-17).

Referring to claim 11, the Pavley reference discloses screen switching-setting section (See edit screen from Figures 11-18) for setting said playback time of each of said images by synchronizing timing for switching images with a specific timing of said music as a slide show.

Referring to claim 12, the Pavley reference discloses wherein said specific timing of said music (audio clip files) is at least one of a beginning of each sub-section of said music and a distinctive sound (See Figure 9A as meta data file).

Referring to claim 13, the Hasegawa reference discloses an image processing section (processor 205, see Col. 2, lines 50-51) for setting a process of image switching (see Col. 6, lines 63-67 and Col. 7, lines 58-67) for each genre of said music as shown in Figures 7-8 (e.g., differences background color and foreground color of images associate with difference

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musical value train aggregations. The each musical value train aggregation can be consider as each genre of the music, see Col. 5, lines 1-34).

Referring to claim 14, the Pavley reference discloses a movie playback module, wherein movies and said images are played back such that a total playback time for playing back said plurality of images along with said movies substantially coincides with said music playback time, said music being separate from said movies and played back to accompany said movies and said images (See Col. 12, lines 6-17).

Referring to claim 15 (depended on claims 1-14), the Pavley reference discloses wherein creation information of at least one of said images and said movies is outputted to a file (a meta data file 360 as shown in Figure 9A-B, see Col. 11, lines 41-47).

Referring to claim 16, the Pavley reference discloses a method for adjusting an image playback time of a plurality of images and a music (e.g. as discussed in claim 1, thereafter the audio clip referred as music) playback time of accompanying music to substantially coincide (e.g., as a slide show for multimedia presentation), the method comprising: (a) accepting input of instructions for selecting images (Figure 5, step 500) and music to be played back (Figures 8 and 9A-B); (b) setting at least one of images to be played back, an image playback time for playing back said images, music to be played back, movies to be played back, a total playback time, a music genre, a screen switching method, and a mixing level (see editing screens from Figure 12-18); (c) obtaining at least one of said image playback time and said music playback time from said setting of said images and said setting of said music (See Col. 12, lines 10-15); (d) adjusting at least one of said obtained image playback time and said obtained music playback time (See Col. 15, lines 65-67); and (e) processing at least one of

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the images and the music after said adjusting of at least one of said obtained image playback time and said obtained music playback time (See Col. 16, lines 1-10).

Referring to claim 17, the Pavley reference discloses an image and music (e.g. as discussed in claim 1, thereafter the audio clip referred as music) playback apparatus for playing back images accompanied by music (slide show), comprising: an image playback module; a music playback module; and an images editing section (see editing screen from Figures 12-18) connected to said image playback module and said music playback module, said images editing section correlating an image playback time, which is a time for playing back images, and a music playback time, which is a time for playing back accompanying music (See Col. 12, lines 10-15).

Referring to claim 18, the Pavley reference discloses images editing section includes: an adjustment section having at least one of: an image number-adjusting section for adjusting a number of images (See Figure 4A-B, marking the interested images to play) to be played back; and an image time-adjusting section (See Figure 21, adjusting duration of time to play) for adjusting a time for playing back an image.

Referring to claim 19, the Pavley reference discloses an image processing section (computer 112 in Figure 1), connected to said adjustment section (editing screen 114), said image processing section processing said images in concert with said music to be played back; and a music processing section (audio codec120) connected to said adjustment section, said music processing section processing said music (audio or sound) in concert with said images to be played back (See Col. 4, lines 3-8 and Col. 12, lines 26-32).

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Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Anderson et al. U.S 5,812,736 discloses a digital camera fore creating a slide show with real time audio.
 - b. Ejima U.S. 2001/0016113 discloses a digital camera has a slide show mode can be selected after a series of information are recorded.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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Lin Ye
August 23, 2004

A handwritten signature in black ink, appearing to read 'Andrew Christensen', with a long horizontal flourish extending to the right.

ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600